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TO: Examiner A. Salimi
U.S. Patent & Trademark Office
571-273-8300

FROM: Joseph A. Williams, Jr.

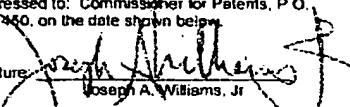
RE: 27013/38150

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Dated: July 11, 2005	Signature:  Joseph A. Williams, Jr.

Docket No.: 27013/38150
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lutz Gissmann et al.

Application No.: 10/042,526

Confirmation No.: 3305

Filed: January 8, 2002

Art Unit: 1648

For: PAPILLOMA VIRUS CAPSOMERES
VACCINE FORMUATIONS AND METHODS
OF USE

Examiner: Salimi, A.

**APPLICANTS' REQUEST FOR
INTERFERENCE PURSUANT TO 37 C.F.R. §41.202**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §42.202, applicants request a declaration of interference with US application Serial No. 10/654,129 in view of its satisfaction of the:

Requirements according to §42.202(a)(1), which begin on page 2;

Requirements according to §42.202(a)(2), which begin on page 2;

Requirements according to §42.202(a)(3), which begin on page 2;

Requirements according to §42.202(a)(4), which begin on page 2;

Requirements according to §42.202(a)(5), which begin on page 3; and

Requirements according to §42.202(a)(6), which begin on page 3.

Application No.: 10/042,526

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§41.202(a)(1). Provide sufficient information to identify the application or patent with which the applicant seeks an interference,

The applicants request that an interference be declared involving the applicants' above-captioned application and U.S. application Serial No: 10/654,129 ("the '129 application"), filed September 4, 2003, in the name of Halleck, et al.

§41.202(a)(2). Identify all claims the applicant believes interfere, propose one or more counts, and show how the claims correspond to one or more counts,

According to the USPTO PAIR system, allowed claims in the '129 application are as set out in Exhibit A hereto. Claims concurrently entered in the applicants' above-captioned application are set out in Exhibit B.

Claim 17 newly entered in the instant application is identical to claim 20 in the '129 application. Accordingly, the claims necessarily interfere and serve as the proposed count.

§41.202(a)(3). For each count, provide a claim chart comparing at least one claim of each party corresponding to the count and show why the claims interfere within the meaning of § 41.203(a)¹,

Because applicants' new claim 17 and claim 20 in the '129 application are identical, a comparison claim chart is unnecessary. In addition, because the claims are identical, either claim as prior art would anticipate the other.

§41.202(a)(4). Explain in detail why the applicant will prevail on priority,

The '129 application, filed September 4, 2003, is a divisional of US application Serial No: 09/284,017 filed April 6, 1999, which in turn is continuation of US application Serial No: 09/026,896, filed February 20, 1998.

The above captioned application is a continuation of USSN 09/632,286 filed August 3, 2000, which in turn is continuation of USSN 08/944,368 filed October 6, 1997. Accordingly, the applicants' priority date more than four months before the earliest priority

¹ 37 CFR § 41.203(a) reads, "Interfering subject matter. An interference exists if the subject matter of a claim of one party would, if prior art, have anticipated or rendered obvious the subject matter of a claim of the opposing party and vice versa."

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date of the '129 application is *prima facie* evidence that the present applicants will prevail on priority.

§41.202(a)(5). If a claim has been added or amended to provoke an interference, provide a claim chart showing the written description for each claim in the applicant's specification,

Written descriptive support for subject matter of the new claims is found in the application as filed as shown in the chart below.

17. A protein encoded by a nucleic acid molecule encoding a truncated HPV L1 protein,	p. 7, lines 19-20
wherein said truncated HPV L1 protein is a protein of SEQ ID NO: 2	p. 7, line 30, to p. 8, line 1
except that it is lacking one or more amino acids from its carboxy terminus, amino terminus or internal region and	p. 7, lines 19-24
comprises only amino acids present in naturally occurring HPV proteins.	p. 18, line 11, to p. 19, line 15.

§41.202(a)(6). For each constructive reduction to practice for which the applicant wishes to be accorded benefit, provide a chart showing where the disclosure provides a constructive reduction to practice within the scope of the interfering subject matter.

For purposes of constructive reduction to practice, the applicants rely on disclosure in USSN 08/944,368 filed October 6, 1997, with support for the claim as set out below.

17. A protein encoded by a nucleic acid molecule encoding a truncated HPV L1 protein,	p. 7, lines 19-20
wherein said truncated HPV L1 protein is a protein of SEQ ID NO: 2	p. 7, line 30, to p. 8, line 1
except that it is lacking one or more amino acids from its carboxy terminus, amino terminus or internal region and	p. 7, lines 19-24
comprises only amino acids present in naturally occurring HPV proteins.	p. 18, line 11, to p. 19, line 15

Application No.: 10/042,526

Docket No.: 27013/38150

Respectfully submitted,

Dated: July 11, 2005

By 

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